

OK 3

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/771,445	KIVELA ET AL.	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 11/5/04.
2.  The allowed claim(s) is/are 32-45.
3.  The drawings filed on 01 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/7/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 32-45 are allowed.
2. The following is an examiner's statement of reasons for allowance:

***Regarding claims 32,39,41,42,*** the prior art of record considered alone or in combination neither anticipates nor renders obvious a radio telephone for use in close proximity to a user comprising transceiver for communicating with a radio telephone network over a network assigned channel; an antenna connected to the transceiver; a controller connected to said transceiver; a user interface connected to said controller; a local communication module, connected to said controller, and a first remote unit adapted to be supported on the person of said user, said remote unit having a transceiver and a controller for receiving and sending information over said first local communication link, said remote unit constructed to allow said user to receive and send information over said local communication link, using time division multiple access with frequency hopping or code controlled multiple access with individual pseudorandom binary sequencing to avoid interference with said radio telephone network communication or with other communications on said local communication link.

The prior art of record provided numerous teachings of a radio telephone for use in close proximity. However, the prior art of record failed to specifically disclose a radio telephone for use in close proximity to a user comprising transceiver for communicating with a radio telephone network over a network assigned channel; an antenna connected to the transceiver; a controller connected to said transceiver; a user interface connected to said controller; a local communication module, connected to said controller, and a first remote unit adapted to be

Art Unit: 2681

supported on the person of said user, said remote unit having a transceiver and a controller for receiving and sending information over said first local communication link, said remote unit constructed to allow said user to receive and send information over said local communication link, using time division multiple access with frequency hopping or code controlled multiple access with individual pseudorandom binary sequencing to avoid interference with said radio telephone network communication or with other communications on said local communication link

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith *S. Smith*  
November 17, 2004

DAVID HUDSPETH  
EXAMINER  
TECHNOLOGY CENTER 2600